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DATE MAILED: 10/03/2003

APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/541,137	03/31/2000		Douglas J. Durrant	K35A0568	3023	
26890	7590	10/03/2003		EXAMINER =		
JAMES M.			RAO, SHEELA S			
		SON BLVD, WHQ	ART UNIT	PAPER NUMBER		
DAYTON,			•	2125		

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Application No. Optical Optical				-21
Examiner Sheela Rao 2125		Application No.	pplicant(s)	
Sheels Rao - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estatestics of time ray be a variable under the provisors of 3 C.FR 1-13(6). In no event, however, may a rapiv be timely filed Estatestics of time ray be surplished under the provisors of 3 C.FR 1-13(6). In no event, however, may a rapiv be timely filed Estatestics of time ray be surplished under the provisors of 3 C.FR 1-13(6). In no event, however, may a rapiv be timely filed If the petid for reply specified above is less than thirty (50) days, a reply within the statebury minimum of thirty (50) days) will be considered timely. If the petid for reply specified above is less than thirty (50) days, a reply within the statebury minimum of thirty (50) days) will be considered timely. If the petid for reply specified above is less than thirty (50) days, a reply with the statebury minimum of thirty (50) days will be considered timely. If the petid for reply specified above is less than thirty (50) days, a reply with the statebury minimum of thirty (50) days will be considered timely. If the petid for reply specified above is less than thirty (50) days, a reply with the state of the scanning of the communication (50) days are stated, and the scanning of the		09/541,137	DURRANT ET AL	- ·
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 Not	tice of Informal Patent Application (P7	

Application/Control Number: 09/541,137

Art Unit: 2125

DETAILED ACTION

- 1. Applicant's request for reconsideration after the final rejection filed on September 8, 2003 has been entered and considered.
- 2. Claims 1-12 are pending and presented for examination.

Response to Reconsideration

3. The rejection of claims 1-12 under 35 USC §102(e) as being anticipated by Doran, et al. (USPN 6,301,517) is *withdrawn*.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi, et al. (USPN 6,438,438 B1).

Takagi, et al. (hereafter, "Takagi") teaches of a method and system of inspecting a product, extracting factors from the products, classifying the factors based on information, and using this extracted data for inspection in manufacture of the products.

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In doing so, Takagi teaches the limitations of the claimed invention. As per the claimed features of instant claims 1-12, the reference of prior art discloses a computer controlled system that has an inspection unit for inspecting, or applying a data mining program, a product according to predetermined inspecting standards or parameters; see column 9:line 59, et seq. The data of the parameters that are not met are extracted as defects, so as to formulate a "first manufacturing subset". An information storage unit or data warehouse is taught as a means for storage of all or part of the manufacturing parameter data, see column 10: lines 7-19. A defect classifying and feature-extracting unit is present for receiving information about the extracted parameters, and then these defect parameters are classified by category in a data warehouse or storage unit; see column 10:lines 20-35. To further the detection of defects or manufacturing parameters, the system of the prior art, extracts data from those that have already been classified, setting up a "second subset". This data is then presented to a feature-parameter conversion unit, which converts the feature data into parameters for controlling the condition of the manufacturing machine for manufacturing the product. The patented invention employs a computer system to produce and/or process the inspection method of a product as shown by the computer system and monitor depicted in the figures. See figures 1 and 3.

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skidmore USPN 6,446,017 B1

Cusson, et al. USPN 6,424,876 B1

Douglas USPN 6,574,522 B1

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 746-7238

for After-Final Communications

(703) 746-7239

for Official Communications

(703) 746-7240

for Status Inquiries of Draft

Communications

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LP.P.

Sheela S. Rao

September 26, 2003

LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100